

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS  
R. HOOVER, City Manager, and HEERY  
INTERNATIONAL, INC. and THOMAS A.  
ELLIS,

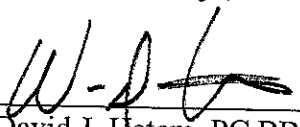
Defendants.

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2004 MAR 25 10 3:23  
Civil Action No. 03-12216MLW  
DISTRICT OF MASS.

**POSITION OF HEERY INTERNATIONAL, INC. AND THOMAS A. ELLIS, ON  
ASSIGNMENT OF CASE TO MAGISTRATE**

Pursuant to the Court's Order dated March 3, 2004, the defendants, Heery International, Inc. ("Heery") and Thomas A. Ellis ("Ellis"), hereby inform the Court that they do not consent to assignment of this matter to a Magistrate Judge.

Respectfully Submitted,  
HEERY INTERNATIONAL, INC. and  
THOMAS A. ELLIS,  
By their attorneys,

  
\_\_\_\_\_  
David J. Hatem, PC BBO # 225700  
Warren D. Hutchison BBO # 246150  
DONOVAN HATEM LLP  
Two Seaport Lane  
Boston, MA 02210  
(617) 406-4500

Dated: March 24, 2004

**CERTIFICATE OF SERVICE**

I, Warren D. Hutchison hereby certify that on this 24 day of March, 2004, I served a copy of the foregoing on all counsel of record by first class mail, postage prepaid.

  
\_\_\_\_\_  
Warren D. Hutchison

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COUNSELORS AT LAW

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March 24, 2004

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Civil Clerk's Office  
United States District Court  
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Boston, MA 02210

Re: **Eastern Contractors, Inc. v. City of Worcester, et al.**  
**Civil Action No. 03-CV-12216MLW**

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter is the *Position of the Defendants, Heery International, Inc. and Thomas A. Ellis, on Assignment of Case to Magistrate.*

Thank you for your attention to this matter.

Very truly yours,

*Warren D. Hutchison*

Warren D. Hutchison (mm)

Enclosure

WDH/MMO

cc: David J. Hatem, PC  
Matthew M. O'Leary, Esq.

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